

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 1:05-CR-146</b>
	:	
v.	:	<b>(Chief Judge Conner)</b>
	:	
<b>CREMNE BRANCH,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 10th day of January, 2018, upon consideration of the motion (Doc. 188) by defendant Cremne Branch (“Branch”) to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 seeking relief based on Johnson v. United States, \_\_ U.S. \_\_, 135 S. Ct. 2551 (2015), and further upon consideration of the court’s order (Doc. 191) of June 27, 2016 staying the above-captioned action pending disposition by the Third Circuit Court of Appeals of Branch’s application for leave to file a second or successive petition pursuant to 28 U.S.C. § 2244(b), and it appearing that the Third Circuit denied Branch’s application on April 13, 2017, see In re Cremne Branch, No. 15-2992 (3d Cir. Apr. 13, 2017), and that this court therefore lacks jurisdiction over the instant second or successive petition, see 28 U.S.C. §§ 2244(a), 2255(h); 28 U.S.C. § 2255 Rule 9, it is hereby ORDERED that:

1. Branch’s motion (Doc. 188) is DISMISSED for lack of jurisdiction.
2. The court finds no basis to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); 28 U.S.C. § 2255, Rule 11(a).

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania